

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRANDON ROBINSON,

Plaintiff,

v.

DCARO OAO,

Defendant.

§
§
§
§
§
§
§
§
§

Case No. 2:21-cv-00211-JRG-RSP

ORDER

Plaintiff Brandon Robinson filed a complaint against defendant “DCARA OAO” on June 10, 2021, seeking “review” of an “Administrative Law Judge’s action” in a claim for “disability benefits.” (Dkt. No. 1). On the same day, Robinson moved to proceed *in forma pauperis*. (Dkt. No. 2). Shortly thereafter, the case was referred to Magistrate Judge Payne for pretrial purposes. On June 27, 2022, Magistrate Judge Payne ordered Robinson to “refile his complaint to include a jurisdictional statement and a properly named defendant, along with details concerning the action from which he is trying to appeal.” (Dkt. No. 4). Thereafter, no further action was taken until February 6, 2023, when Magistrate Judge Payne recommended dismissal without prejudice for failure to prosecute and further recommended suspending the statute of limitations for sixty (60) days upon dismissal. (Dkt. No. 5). Again, no further action was taken by or on behalf of Brandon Robinson.

Because no objections have been filed and for the reasons set forth in the Report and Recommendation, the Recommendation is **ADOPTED**. It is therefore **ORDERED** that the above captioned case be **DISMISSED WITHOUT PREJUDICE** and that the statute of limitations be **SUSPENDED** for **sixty (60) days** from the date of this Order and Final Judgment

regarding the same. *Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that “[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice, and the same standard of review is used.”).

So ORDERED and SIGNED this 8th day of March, 2023.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE